

Reacts to Nationwide Campaign to Roll Back Access to Contraceptives

Washington, DC— Democratic Leader Nancy Pelosi, Oversight Committee Ranking Member Elijah Cummings, and Congresswomen Eleanor Holmes Norton and Carolyn Maloney held a Democratic Steering and Policy Committee event today to hear testimony from Sandra Fluke, the Georgetown University law student who was denied the opportunity [to appear at a Committee hearing](#)

last week to discuss the critical importance of contraceptives to millions of women across the country.

During her [testimony](#) today, Fluke responded to questions from Ranking Member Cummings about the nationwide campaign being conducted at both the state and federal levels to roll back women's access to contraceptives. "Contraception when it first became available was a revolution in this country," said Fluke. "It allowed women to enter employment and educational opportunities that had previously not been accessible because they were unable to control their reproduction in the same way. I just cannot imagine rolling back the clock on that progress."

Cummings praised Fluke for giving voice to millions of women across the country. "Now you have not only the Congress listening to you, but you have the country listening to you, and that is a powerful, powerful thing," said Cummings. Click [here](#) for Cummings' full opening statement.

BACKGROUND ON NATIONWIDE CAMPAIGN TO ROLL BACK WOMEN'S ACCESS TO CONTRACEPTIVES

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During a hearing before the House Committee on Oversight and Government Reform on February 16, 2012, Chairman Darrell Issa refused to allow third-year Georgetown law student Sandra Fluke to testify about the critical importance of contraceptives to millions of women across the country. Claiming that the hearing would address only issues relating to religious freedom, Chairman Issa stated that Ms. Fluke is “a college student who appears to have become energized over this issue,” that she is not “appropriate or qualified” to testify, and that she does “not have the appropriate credentials” to appear before the Committee.

Recent efforts to use religious and moral grounds to deny women coverage of birth control are not isolated incidents, but rather part of a nationwide campaign being conducted at both the state and federal levels to outlaw many forms of commonly used contraceptives. These efforts include legislation and ballot initiatives in various states, as well as legislation proposed in the U.S. House of Representatives and U.S. Senate that are intended to outlaw the pill, emergency contraceptives, and intrauterine devices (IUDs).

State Proposals to Outlaw Contraceptives

- Legislation has been introduced in at least 11 states to make many forms of commonly used birth control illegal. These legislative efforts broadly define “personhood” as beginning at the moment of conception or fertilization. There are also ongoing efforts in eight states to define personhood via ballot initiatives. These vaguely worded, sweeping bills and initiatives would extend the protections of state law to a fertilized egg even before implantation.

- These initiatives are intended to outlaw commonly used forms of contraception that interfere with implantation and certain in-vitro fertilization techniques. Proponents of such initiatives have stated that they would outlaw commonly used forms of contraceptives that [affect implantation of the egg](#)

- , [emergency contraceptives](#)

- , [IUDs](#)

- , and [certain in-vitro fertilization techniques.](#)

- A state judge in Nevada [required](#) proponents of a ballot initiative to provide this explicit description of exactly what the initiative would outlaw:

The initiative would protect a prenatal person regardless of whether or not the prenatal person would live, grow, or develop in the womb or survive birth; prevent all abortions even in the case of rape, incest, or serious threats to the women's health or life, or when a woman is suffering from a miscarriage, or as an emergency treatment for an ectopic pregnancy. The initiative will impact some rights Nevada women currently have to utilize some forms of birth control, including the "pill;" and to access certain fertility treatments such as in vitro fertilization. The initiative will affect embryonic stem cell research, which offers potential for treating diseases such as diabetes, Parkinson's disease, heart disease, and others.

- Medical and legal experts have [raised concerns](#) that these initiatives could have far-reaching implications for women's health. For example, these initiatives could make it illegal for doctors to treat pregnant women for cancer if the treatments could endanger the fetus.

- State legislators across the country have introduced bills to deny contraception coverage to more women in several states. Bills to create exemptions to existing state contraception mandates or to broaden existing exemptions have been introduced in states including [Arizona](#)

- , [Indiana](#)

- , [Missouri](#)

- , [New Hampshire](#)

- , [New Jersey](#)

- , and

- [Pennsylvania.](#)

Federal Proposals to Outlaw or Deny Coverage of Contraceptives

- Federal "Morality" Legislation:

- On March 17, 2011, Representative Jeff Fortenberry (R-NE) introduced H.R. 1179, the Respect for Rights of Conscience Act of 2011. This legislation, which now has 209 co-sponsors in the House of Representatives, would allow any employer, including for-profit private sector

companies, to deny insurance coverage for contraceptives if doing so is contrary to their religious beliefs or “moral convictions.” This would include the pill, condoms, IUDs, and any other contraceptives viewed as morally objectionable by the company.

- On August 2, 2011, Senator Roy Blunt (R-MO) introduced the Senate version of this legislation, S. 1467, which now has 37 co-sponsors. He also filed it as an amendment to the federal highway reauthorization bill.

- In addition to allowing companies to deny insurance coverage for contraceptives, this “morality” legislation would allow companies to deny coverage for a host of other essential healthcare services. Based on undefined “moral convictions,” a company could refuse to cover:

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prenatal testing and care, such as routine sonograms or amniocentesis;

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HIV/AIDS screenings;

- Type-2 Diabetes screenings;

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mental health treatment for depression; or

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screenings for infections that cause cervical cancer.

Federal “Personhood” Legislation:

- The Life at Conception Act: In 2011, Rep. Duncan Hunter (R-CA) introduced H.R. 374 to extend the rights in the Equal Protection Clause of the 14th Amendment to “the moment of

fertilization ... or other moment at which an individual member of the human species comes into being.” This legislation, which now has 111 co-sponsors in the House of Representatives, is similar to the language of state ballot initiatives to outlaw many forms of commonly used contraceptives. On January 25, 2011, Senator Roger Wicker (R-MS) introduced the Senate companion, S. 91.

- The Sanctity of Human Life Act: In addition, Rep. Paul Broun (R-GA) introduced H.R. 212, which provides that “the life of each human being begins with fertilization, cloning, or its functional equivalent.” This legislation now has 63 co-sponsors in the House of Representatives.